

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**

**ORDER**

APPLICATION 16780 PERMIT 10602 LICENSE 8172

ORDER DELETING IRRIGATION AND  
ADDING RECREATION AS A PURPOSE OF USE

**WHEREAS:**

1. License 8172 was issued to Bert L. Burda and filed with the County Recorder of Nevada County on June 6, 1967 in Volume 421, Page 578.
2. License 8172 was subsequently assigned to Donald and Velma Fagundes.
3. An inspection of the project was made on April 25, 1991, and it was determined that the water is used for stockwatering and recreation and purpose of use should be corrected by deleting Irrigation and adding recreational use under Section 798, Title 23 of the California Code of Regulations.
4. The State Water Resources Control Board has determined that said corrections in the purpose of use will not initiate a new right nor operate to the injury of any other user of the water and that good and sufficient cause has been shown for said corrections.

**NOW, THEREFORE, IT IS ORDERED THAT:**

The license pertaining to the description of the purpose of use be corrected to read:

Stockwatering and Recreation

Dated: **JUNE 19 1991**

*Jesse M. Diaz*  
for, Jesse M. Diaz, Chief  
Division of Water Quality  
and Water Rights



STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RIGHTS BOARD

## License for Diversion and Use of Water

APPLICATION 16780

PERMIT 10602

LICENSE 8172

THIS IS TO CERTIFY, That

Bert L. Burda  
423 South Pine Street  
Nevada City, California

has made proof as of September 19, 1966,  
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of  
two unnamed streams in Nevada County

tributary to Shady Creek thence South Yuba River thence Yuba River

for the purpose of irrigation and stockwatering uses  
under Permit 10602 of the Board and that the right to the use of this water has been perfected in  
accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of  
this right dates from December 12, 1955 and that the amount of water to which this right is  
entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall  
not exceed ten and seven-tenths (10.7) acre-feet per annum to be collected from  
about October 1 of each year to about April 30 of the succeeding year as follows:

Reservoir (1)	2.5 acre-feet per annum
Reservoir (2)	8.2 acre-feet per annum

The maximum withdrawal in any one year under this right has been 10.7 acre-feet.

### THE POINTS OF DIVERSION OF SUCH WATER ARE LOCATED:

- (1) South 150 feet and west 500 feet from NE corner of Section 16, T17N, R8E, MDB&M, being within NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 16.
- (2) South 75 feet and west 1600 feet from NE corner of Section 16, T17N, R8E, MDB&M, being within NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of said Section 16.

### A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

#### Stockwatering use as follows:

- (1) At reservoir within SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 9, and NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 16, T17N, R8E, MDB&M.
- (2) At reservoir within SW $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 9, and NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 16, T17N, R8E, MDB&M, AND

#### Irrigation of:

8 acres within NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 16, T17N, R8E, MDB&M  
3 acres within NE $\frac{1}{4}$  of NE $\frac{1}{4}$  of Section 16, T17N, R8E, MDB&M  
11 acres total

2/27/67

*Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.*

*All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.*

*Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.*

*The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.*

*This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:*

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JUN 5 1967

5/10/91 Not. of asgd:App#16780 Lic#8172  
Donald Fagundes

*L. K. Hill*  
Executive Officer

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